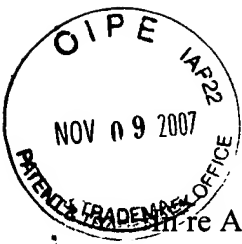


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of:)	
)	
Paul J. RANK et al.)	Group Art Unit: 2176
)	
Application No.: 09/774,354)	Examiner: Maikhanh Nguyen
)	
Filed: January 30, 2001)	
)	
For: METHOD AND APPARATUS FOR)	
FORMULA EVALUATION IN)	
SPREADSHEETS ON SMALL DEVICES)	

Mail Stop Appeal Brief-Patent
Commissioner for Patents
Alexandria, VA 22313-1450

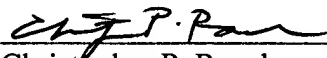
REPLY BRIEF ON APPEAL

Dear Sir:

Appellants submit herewith Appellants' Reply Brief on Appeal in response to the Examiner's Answer mailed on September 4, 2007.

The Commissioner is hereby authorized to charge any deficiency in fees associated with this communication or credit any overpayment to Deposit Account No. 19-3140. A duplicate copy of this sheet is enclosed.

Respectfully Submitted,

 (Reg. No. 45,034)
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited as First Class Mail in an envelope addressed to Mail Stop Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 5, 2007.

 (Reg. No. 45,034)
Christopher P. Rauch



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REPLY BRIEF ON APPEAL

Dear Sir:

Appellants submit this Reply Brief on Appeal in response to the Examiner's Answer mailed on September 4, 2007. Appellants respectfully submit that the Examiner's assertions are incorrect as a matter of fact and law. Thus, for the reasons set forth below, Appellants respectfully request that this Board reverse the rejection of claims 1-18 under 35 U.S.C. §103.

I. STATUS OF CLAIMS:

Claims 1-18 are pending in the application.

Claims 1-4 and 10-13 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over *Horie* et al. (U.S. Patent 6,487,597, hereinafter “*Horie*”) in view of *Schlafly* (U.S. Patent 5,471,612).

Claims 5-9 and 14-18 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Horie* in view of *Schlafly*, and further in view of *Pajokowski* et al. (U.S. Patent 6,718,425, hereinafter “*Pajokowski*”).

The present appeal is directed to claims 1-18, which were finally rejected in the Office Action dated November 23, 2005.

A listing of claims 1-18 appears as the Claims Appendix of Appellant’s Main Brief on Appeal.

II. GROUND OF REJECTION TO BE REVIEWED ON APPEAL:

The grounds of rejection to be reviewed on appeal is as follows:

- Claims 1-4 and 10-13 are rejected under 35 U.S.C. § 103(a) as unpatentable over *Horie* et al. (U.S. Patent 6,487,597, hereinafter “*Horie*”) in view of *Schlaflly* (U.S. Patent 5,471,612);
and
- Claims 5-9 and 14-18 are rejected under 35 U.S.C. §103(a) as being unpatentable over *Horie* in view of *Schlaflly*, and further in view of *Pajokowski* et al. (U.S. Patent 6,718,425, hereinafter “*Pajokowski*”).

III. ARGUMENT:

Claims 1-18 stand rejected under 35 U.S.C. §103 by the Examiner as being rendered obvious based on various references. As set forth more clearly below, the rejection of the claims set forth by the Examiner under 35 U.S.C. §103 is improper and accordingly the Board should reverse this rejection.

A. Claims 1-4 and 10-13 are not rendered obvious under 35 U.S.C. § 103(a) based on the teachings of *Horie* in view of *Schlaflly*

Appellants respectfully submit that the Examiner's assertions are incorrect as a matter of fact and law. Thus, for the reasons set forth below, Appellants respectfully request that this Board reverse the rejection of claims 1-4 and 10-13 under 35 U.S.C. §103(a) as being unpatentable over *Horie* in view of *Schlaflly*.

Appellants respectfully submit that *Horie* in view of *Schlaflly* fails to teach or suggest converting a spreadsheet file to a second format, wherein the converting includes evaluating one or more formulas associated with the spreadsheet file while converting the spreadsheet file to the second format.

The Examiner argues that *Horie* evaluates a formula during a conversion process, however, *Horie* fails to make this teaching. *Examiner's Answer*, page 10. The Examiner cites to *Horie* Figures 18, 19, and 21 and describes that *Horie* converts selected cells to another format and transmits the cells. *Id.* However, this is unrelated to evaluating one or more formulas associated with a spreadsheet file while converting the spreadsheet file. Instead, the cited passages from *Horie* merely describe converting a spreadsheet file, without evaluating a formula in the spreadsheet file during the conversion.

Further, nowhere does *Horie* suggest evaluating a formula during a conversion. This subject matter is simply not addressed in *Horie*.

As stated previously, *Schlaflly* specifically teaches away evaluating a formula while converting by asserting that *Schlaflly* specifically performs evaluations faster by converting before evaluating. *Schlaflly* 2:60-67 and 4:1-10.

Horie teaches converting a file, but fails to relate to evaluating a formula during conversion. And *Schlaflly* specifically teaches away from evaluating a formula during conversion. Accordingly, *Horie* in view of *Schlaflly* fails to teach or suggest converting one or more formulas associated with a file while converting the file. Further, due to the teaching away from Appellants' claimed subject matter by *Schlaflly*, Appellants submit that one would have to

use impermissible after having read Appellants' claimed subject matter to allege that *Horie* in view of *Schlaflly* renders obvious Appellants' claimed invention.

B. Claims 5-9 and 14-18 are not rendered obvious based on the teachings of *Horie* in view of *Schlaflly* and further in view of *Pajokowski*

Appellants respectfully submit that the Examiner's assertions are incorrect as a matter of fact and law. Thus, for the reasons set forth below, Appellants respectfully request that this Board reverse the rejection of claims 5-9 and 14-18 under 35 U.S.C. §103(a) as being unpatentable over *Horie* in view of *Schlaflly* and further in view of *Pajokowski*.

Independent claims 1 and 10 are allowable over *Horie* in view of *Schlaflly* as discussed above. *Pajokowski* still fails to teach or suggest converting one or more formulas associated with a spreadsheet file while converting the spreadsheet file. Therefore, *Horie* in view of *Schlaflly* and further in view of *Pajokowski* still fails to teach or suggest claims 1 and 10.

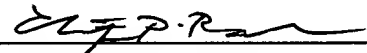
Claims 5-9 and 14-18 depend directly or indirectly from claims 1 and 10 and are therefore allowable for at least the same reasons that claims 1 and 10 are allowable.

Appellants respectfully request that the Board reverse the rejections.

IV. CONCLUSION:

For the foregoing reasons, Appellants respectfully submit that the rejection posed by the Examiner is improper as a matter of law and fact. Accordingly, Appellants respectfully request the Board reverse the rejection of claims 1-18.

Respectfully submitted,

 (Reg. No. 45,034)
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